

IN THE UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT

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Nos. 13-11738 & 13-14912

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D.C. Docket No. 1:10-cv-03673-ODE

AIRTRAN AIRWAYS, INC.,

Plaintiff-Appellee,

versus

BRENDA ELEM,  
MARK D. LINK, and  
LINK & SMITH, P.C.,

Defendants-Appellants.

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Appeal from the United States District Court  
for the Northern District of Georgia

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**ON REMAND FROM THE  
SUPREME COURT OF THE UNITED STATES**

Before WILLIAM PRYOR and MARTIN, Circuit Judges, and HONEYWELL\*,  
District Judge.

BY THE COURT:

We **VACATE** the summary judgment of the district court, the order  
awarding attorney's fees and costs, and the Rule 70 order enforcing the judgment,

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\* Honorable Charlene Edwards Honeywell, United States District Judge for the Middle District of Florida, sitting by designation.

and **REMAND** for reconsideration in the light of *Montanile v. Board of Trustees of National Elevator Industry Health Benefit Plan*, 136 S. Ct. 651 (2016).

We **DENY** Airtran's motion for supplemental briefing and oral argument. The district court should decide the legal and factual issues identified in that motion, including the question whether additional discovery is needed, in the first instance on remand.

**UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT**

ELBERT PARR TUTTLE COURT OF APPEALS BUILDING  
56 Forsyth Street, N.W.  
Atlanta, Georgia 30303

Amy C. Nerenberg  
Acting Clerk of Court

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March 08, 2016

James N. Hatten  
Richard B. Russell Bldg & US Courthouse  
2211 UNITED STATES COURTHOUSE  
75 TED TURNER DR SW  
STE 2211  
ATLANTA, GA 30303-3309

Appeal Number: 13-11738-BB ; 13-14912 -BB  
Case Style: AirTran Airways, Inc. v. Brenda Elem, et al  
District Court Docket No: 1:10-cv-03673-ODE

The enclosed copy of this Court's order of remand is issued as the mandate of this Court. Counsel and parties are advised that with this order of remand this appeal is concluded. If further review is to be sought in the future a timely new notice of appeal must be filed.

Sincerely,

AMY C. NERENBERG, Acting Clerk of Court

Reply to: Carol R. Lewis/aw, BB  
Phone #: (404) 335-6179

Enclosure(s)

DIS-4 Multi-purpose dismissal letter